

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF
PENNSYLVANIA
PITTSBURGH DIVISION**

R. CATHY REARDON)	
On behalf of herself and all)	
similarly situated individuals,)	
)	
Plaintiffs,)	
)	NO. 2:08cv1730MRH
v.)	
CLOSETMAID CORPORATION)	Hon. Mark R. Hornak
)	
Defendant.)	
)	Class Action
)	

**MOTION TO PERMIT PRE-TRIAL *VOIR DIRE* OF CLOSETMAID
WITNESSES AS TO THEIR PERSONAL KNOWLEDGE**

The Representative Plaintiff, by her undersigned counsel, hereby moves for an order authorizing and setting Pre-Trial *Voir Dire* hearings to determine of the requisite personal knowledge of certain ClosetMaid witnesses. In support, Plaintiff states as follows:

1. On December 2, 2013, this Court entered a Opinion and Order with respect to the motions for summary judgment filed by the Parties. ECF 157.

2. The Court denied Plaintiff's Motion to Strike the testimony of the Defendant's Declarants, but as well expressed appropriate concern that Defendant's witnesses did not have the requisite "personal knowledge" to establish their defense to Plaintiffs' Pre-Adverse Action claims under 15 U.S.C. § 1681b(b)(3).

3. The only remaining individual issue in this case is whether or not Defendant's testimony will overcome the Plaintiff's evidence the Court has already

found sufficient to establish that the class member consumer reports were used “in whole or in part” in Defendant’s hiring decision process.

4. Accordingly, Plaintiffs hereby move to allow a Pre-Trial *Voir Dire* of such witnesses to determine their personal knowledge using this Court’s video conferencing capabilities. A proposed Order of Court is attached.

December 12, 2013

Respectfully submitted,

R. CATHY REARDON,
For herself and on behalf of
all similarly situated
individuals.

s/ James M. Pietz

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